

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHESTER BRAME,

Petitioner,

v.

MARK WAHL, et al.,

Respondents.

Case No. 2:21-cv-03869-JDW

ORDER

AND NOW, this 25th day of January, 2024, upon consideration of the Petition Under 28 U.S.C. § 2254 For Writ Of Habeas Corpus By A Person In State Custody (ECF No. 1), and following careful and independent review of the Honorable José R. Arteaga's Report and Recommendation (ECF No. 21), without timely Opposition from the *pro se* Petitioner,¹ for good cause including finding (a) that Mr. Brame's claims regarding the state trial court's denial of his suppression motion are non-cognizable and lack merit, and (b) Mr. Brame's sufficiency of the evidence claim is unexhausted and procedurally defaulted, it is **ORDERED** as follows:

¹ On December 7, 2023, Mr. Brame filed a separate *habeas* petition under docket number 23-cv-04864. That petition challenges same conviction as the one at-issue here. However, Mr. Brame raises new grounds that do not overlap with his claims in his Petition in the instant case. Accordingly, I do not construe that petition as raising timely objections to Judge Arteaga's Report and Recommendation.

1. Judge Arteaga's detailed Report and Recommendation (ECF No. 21) is **APPROVED** and **ADOPTED**; and

2. The Court **DENIES** and **DISMISSES WITH PREJUDICE** the Petition for writ of *habeas corpus* (ECF No. 1).

I find that there is no probable cause to issue a certificate of appealability because Mr. Brame has not demonstrated that reasonable jurists would debate the correctness of the procedural aspects of this ruling, nor has he made a substantial showing of the denial of a constitutional right.

The Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.